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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,535	02/26/2004	Yoshitaka Araki	2986-PAT	6909
30084	7590	05/22/2006	EXAMINER	
DONN K. HARMS PATENT & TRADEMARK LAW CENTER SUITE 100 12702 VIA CORTINA DEL MAR, CA 92014			FRANCIS, FAYE	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 05/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,535

Applicant(s)

ARAKI, YOSHITAKA

Examiner

Faye Francis

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-10 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Hockmeyer [5,497,948] in view of Shen [5,611,619].

Hockmeyer discloses in Figs 1-7, a compound dispersing [basket media mill 10] comprising a basket-shaped vessel 60, the vessel adapted contain dispersing media particles [beads 76] in an interior cavity formed therein, the vessel adapted for submersion in a tank [basket 12] filled with a compound [col 2 lines 58-67], a plurality of stirrer vanes [rods 140] housed within the vessel, each engaged at first ends with an elongated shaft extending in the interior cavity, the shaft defining a central axis of the cavity; each stirrer vane extending a first distance from the axis to a distal edge; means to rotate the shaft thereby rotate the stirrer vanes, a secondary vanes [impeller assembly 150] and a driving mechanism [col 4 lines 41-52].

Hockmeyer does not disclose a rotation driving mechanism for rotating the stirrer vanes in the vessel along with the vessel in opposite directions, a plurality of stirrer fins each engaged at first end with an interior wall of the vessel whereby the distal end reaches a momentary substantial alignment with a corresponding the distal edge the of

Art Unit: 3725

one of the stirrer vanes during each rotation and a gap formed between the distal end and the distal edge during the momentary alignment.

Shen teaches, in the relevant art, the concept of providing a mixing container 2 with a rotation driving mechanism for rotating the stirrer vanes [mixing blade unit 5] in the vessel along with the vessel in opposite directions [col 3 lines 15-44] and a plurality of stirrer fins [blades 53] each engaged at first end with an interior wall of the vessel whereby the distal end reaches a momentary substantial alignment [one on top of the other] with a corresponding the distal edge the of one of the stirrer vanes 5 during each rotation and a gap[Fig 3] formed between the distal end and the distal edge during the momentary alignment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Hockmeyer with the rotation driving mechanism for rotating the stirrer vanes in the vessel along with the vessel in opposite directions as taught by Shen in order to more efficiently disperse the material compound within the basket. Additionally, it would have been obvious to provide the device of Hockmeyer with the plurality of stirrer fins in order to better mix the material compound within the basket.

With respect the limitation in claims 17-18 that the dispersing media particles having a diameter; and the gap being a distance between 6 times the diameter, this limitation would have been obvious design choice once the basic structure was known, as it solves no stated problem [see page 20 of the specification] and of no patentable merit.

Response to Arguments

3. Applicant's arguments filed 4/25/06 have been fully considered but they are not persuasive.

In response to applicant's argument on page 8 the claim 8 should be allowable since it includes the elements of former claim 6 which was indicated allowable by the examiner, the examiner would like to point out that Claim 8 as now presented is considerably broader than claim 6 as objected to in the Office Action of 12/14/05 and therefor rejected by the examiner as stated above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FF

A handwritten signature in black ink, appearing to read 'Faye Francis', with a stylized, flowing script.

Faye Francis
Primary Examiner
Art Unit 3725